

THIRTIETH DAY

THURSDAY, MARCH 6, 1997

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Duncan, Ratliff.

The President announced that a quorum of the Senate was present.

The Reverend Ron Durham, Columbus Avenue Baptist Church, Waco, offered the invocation as follows:

Our Father, it is right that we would pause for a moment and say thank You for this, a brand new day of life today. Your word teaches us that this is the day the Lord has made, that we can rejoice and be glad in it. Help us to use the gift of this day to honor You. Father, thank You for these Senators and their staffs and thank You for the leadership of the Senate. Thank You, Father, for their families and loved ones. Please put Your hand of protection over their loved ones as they serve here today and, Father, please guide each one with Your wisdom. Thank You for this great State of Texas that we love so much. We pray Your continued blessing upon this wonderful state and its people. Thank You for Your unconditional love for us. In our Lord's name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Bivins, Senator Duncan was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator Ratliff was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 61

On motion of Senator Zaffirini and by unanimous consent, Senator West will be shown as Co-author of SB 61.

CO-AUTHOR OF SENATE BILL 226

On motion of Senator Madla and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 226**.

CO-AUTHOR OF SENATE BILL 227

On motion of Senator Madla and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 227**.

CO-AUTHOR OF SENATE BILL 273

On motion of Senator Zaffirini and by unanimous consent, Senator Haywood will be shown as Co-author of **SB 273**.

CO-AUTHOR OF SENATE BILL 384

On motion of Senator Nelson and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 384**.

CO-AUTHOR OF SENATE BILL 585

On motion of Senator Nelson and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 585**.

CO-AUTHOR OF SENATE BILL 668

On motion of Senator Shapiro and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 668**.

CO-AUTHOR OF SENATE BILL 827

On motion of Senator Ellis and by unanimous consent, Senator Armbrister will be shown as Co-author of **SB 827**.

CO-AUTHOR OF SENATE BILL 841

On motion of Senator Cain and by unanimous consent, Senator Harris will be shown as Co-author of **SB 841**.

CO-AUTHOR OF SENATE BILL 872

On motion of Senator Madla and by unanimous consent, Senator Luna will be shown as Co-author of **SB 872**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 108**

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 6, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect
to the following appointments:

TO BE A MEMBER OF THE GENERAL SERVICES COMMISSION for
a term to expire January 31, 2001:

DIONICIO VIDAL "SONNY" FLORES, P.E.
1710 Telephone Road
Houston, Texas 77023

Mr. Flores will be filling the unexpired term of Raul Romero of Houston
who resigned.

TO BE MEMBERS OF THE TEXAS WORKERS' COMPENSATION
INSURANCE FUND BOARD OF DIRECTORS for terms to expire
February 1, 2003:

BRENDA PEJOVICH
11727 High Forest
Dallas, Texas 75230

Ms. Pejovich will be replacing Ben Munson of Denison whose term expired.

JAMES D. ROSS, CPA
909 Bedford
Midland, Texas 79701

Mr. Ross will be replacing Lloyd E. Moss of Cleburne whose term expired.

CHARLES HUGH WHITESIDE, Ph.D.
Route 3, Box 181 WS
Kilgore, Texas 75662

Dr. Whiteside is being reappointed.

TO BE MEMBERS OF THE TEXAS GROWTH FUND BOARD OF
TRUSTEES for terms to expire February 1, 2003:

SUZANNE B. KRISCUNAS
4239 San Gabriel Drive
Dallas, Texas 75229

Ms. Kriscunas is being reappointed.

TIMOTHY P. ROTH, Ph.D.
6301 El Risco Drive
El Paso, Texas 79912

Dr. Roth will be replacing C. T. Sharpless of Dallas whose term expired.

TO BE MEMBERS OF THE STATE SEED AND PLANT BOARD for terms
to expire October 6, 1998:

CHARLES A. LEAMONS
1008 Windswept Drive
Brenham, Texas 77833

Mr. Leamons is being reappointed.

JOE M. CRANE
233 Selkirk Road
Bay City, Texas 77414

Mr. Crane will be replacing G. F. Poage of Levelland whose term expired.

KATHERINE CAVE PATRICK
7313 County Road 14
Route 1, Box 114
Bishop, Texas 78343

Ms. Patrick will be replacing Alfred Martin of Hubbard whose term expired.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

(Senator Truan in Chair)

SENATE RESOLUTION 162

Senator West offered the following resolution:

WHEREAS, Seldom in the annals of the University Interscholastic League has there been a team such as the 1972 Roosevelt High School Basketball Team from Dallas, which won the Class 4A State Championship in basketball that year; and

WHEREAS, The University Interscholastic League will be recognizing these 1972 champions during the 1997 Boys State Basketball Tournament on March 8, 1997; and

WHEREAS, Roosevelt was the first Dallas high school to win the University Interscholastic League basketball championship after desegregation, and its outstanding team set scoring records in the state league and the all-star player broke the league's 4A individual player's scoring record; neither record has been broken since that time; and

WHEREAS, The team members who comprised that championship group were: Marsalis Abney, Ronald Brown, Jerry Davis, Clarence Denard, Leroy Edwards, Steven Giles, Eger Hopkins, Clarence Jackson, Robert Johnson, Charles Marshall, Melvin Moore, Melvin Price, Larry Ray, Harvey Scott, and Ira Terrell; they were fortunate to have Ellis Davis, Jr., as their coach and George Martin as their assistant coach; the managers were Reginald Gray and Manzell Robertson; and

WHEREAS, The players, managers, and coaches were praised for their teamwork and desire for excellence that made them a winning team; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby congratulate the 1972 Class 4A State Basketball champions from Roosevelt High School of Dallas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the team as an expression of the high esteem of the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Coach Ellis Davis and his wife Bettye Joe and Leroy Edwards of the 1972 University Interscholastic League Class 4A Boys State Basketball Champions, Roosevelt High School of Dallas.

The Senate welcomed its guests.

GUEST PRESENTED

The President introduced to the Senate Mr. Dale Sibley, father of Senator Sibley.

The Senate welcomed Mr. Sibley.

(Senator Truan in Chair)

SENATE RESOLUTION 271

Senator Luna offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Herminia Flores San Miguel on the joyous occasion of her 100th birthday on March 6, 1997; and

WHEREAS, Herminia Flores San Miguel, who was born on March 6, 1897, in Monterrey, Nuevo Leon, Mexico, will be the guest of honor at a celebration of her birthday on Saturday, March 8, 1997, in Austin; and

WHEREAS, Mrs. San Miguel has been privileged to witness events most of us only read about in history books; and

WHEREAS, During her lifetime, she has witnessed two world wars, the invention of television, and the landing of astronauts on the moon; and

WHEREAS, Today, she enjoys reminiscing and takes pleasure in the companionship of her family and friends; Mrs. San Miguel was blessed with a wonderful family: her children, Cordelia Ruiz, Blanche Bernal, George San Miguel, Dolores Villarreal, Berta San Miguel, Josephine Perez, Guadalupe San Miguel, Raul San Miguel, and Ernestina San Miguel; and her 32 grandchildren, 42 great-grandchildren, and one great-great-grandchild; and

WHEREAS, A beloved and respected member of her community, Herminia San Miguel is noted for her courage, her compassion for others, and her enthusiasm for living each day to the fullest; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby join the family and friends of Herminia Flores San Miguel in extending best wishes to her and congratulations on the grand occasion of her 100th birthday; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of esteem from the Texas Senate.

**LUNA
BARRIENTOS**

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Luna and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

(President in Chair)

GUESTS PRESENTED

Senator Luna was recognized and introduced to the Senate Mrs. Herminia Flores San Miguel and family members.

The Senate welcomed Mrs. San Miguel and her family.

(Senator Truan in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, March 6, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 338, Relating to the election of directors of the Franklin County Water District.

HB 368, Relating to the statute of limitations for misappropriation of trade secrets.

HB 432, Relating to the ineligibility of certain inmates for release on mandatory supervision.

HB 485, Relating to requiring that an out-of-state inmate housed in a correctional facility in this state be returned to the sending state before the inmate's release from imprisonment.

HB 581, Relating to the correction of an ad valorem tax appraisal roll.

HB 1155, Relating to the continuation and functions of the Criminal Justice Policy Council.

HCR 100, Proclaiming April 12, 1997, Space Explorers' Day in Texas.

HCR 119, Commending David Bernsen for his service to the Texas Transportation Commission.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

Senator Bivins, on behalf of Senator Duncan, was recognized and presented Dr. Hugh H. Wilson of Hale Center as the "Doctor for the Day."

The Senate welcomed Dr. Wilson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(President in Chair)

SENATE RESOLUTION 173

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Texas Silver-Haired Legislature as they gather at the State Capitol on March 6, 1997; and

WHEREAS, The Texas Silver-Haired Legislature is an elected, representative, nonpartisan body of citizens over 60 years of age, elected by persons in the same age group, who meet in the Texas Capitol to consider and draft resolutions that concern the needs of older Texans, both present and future; and

WHEREAS, Its objectives are to provide older Texans an opportunity to become knowledgeable about the legislative process through involvement and to develop a forum for older Texans to discuss senior citizens' issues; and

WHEREAS, Members will have the opportunity to introduce, discuss, and pass resolutions dealing with major concerns of the state; and

WHEREAS, Elected for a two-year term, representatives make a valuable contribution to the state by informing the state legislature of the requirements of older Texans and identifying issues of significance for the future; and

WHEREAS, A nonpartisan and nonprofit organization, the first Silver-Haired Legislature was organized in 1973 in the State of Missouri; since its establishment, the concept has been adopted by 26 other states; and

WHEREAS, Through legislative involvement, older citizens can become a viable political force in their communities, their state, and their nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the representatives of the Texas Silver-Haired Legislature for their efforts on behalf of all senior Texans and extend best wishes for a most productive and rewarding legislative session; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this distinguished group as an expression of the high regard and appreciation of the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Wentworth, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation from the Texas Silver-Haired Legislature.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 100

The President laid before the Senate the following resolution:

HCR 100, Proclaiming April 12, 1997, Space Explorers' Day in Texas.

BROWN

The resolution was read.

On motion of Senator Patterson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate Captain Frank Culberson and Colonel Vladimir Titov of Nassau Bay.

The Senate welcomed Captain Culberson and Colonel Titov.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate Joyce Langenneger, Ken Warren, Paul Dirden, Jenny Griffin, Frank Ocon, and Albert Tijerina, students from the government class at San Jacinto Community College of Houston, escorted by Keith King.

The Senate welcomed its guests.

(President in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 115 ON SECOND READING**

Senator Zaffirini moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 115** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended for **CSSB 115**:

CSSB 115, Relating to certain investigations conducted by the Department of Protective and Regulatory Services.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 115 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 115** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 115 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 116 ON SECOND READING**

Senator Zaffirini moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 116** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended for **CSSB 116**:

CSSB 116, Relating to investigations of and the offense of failure to report alleged abuse, neglect, or exploitation of individuals in certain facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 116 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 116 was read third time and was passed by a viva voce vote.

SENATE BILL 544 ON SECOND READING

Senator Carona moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 544** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended for **SB 544**:

SB 544, Relating to the procedure by which a municipality may dispose of certain land.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 544** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 253.001, Local Government Code, is amended by adding Subsection (h) to read as follows:

(h) The election requirement of Subsection (b) does not apply to a conveyance of a park if:

(1) the park is 1.25 acres or less;

(2) the governing body finds, after a public hearing, that the property is no longer usable and functional as a park and that the conveyance is in the best interest of the public;

(3) any proceeds from the conveyance will be used only for the acquisition of additional park land in the municipality;

(4) the park was acquired by the municipality;

(A) from the United States Department of Housing and Urban Development;

(B) by tax sale or foreclosure; or

(C) by dedication in lieu of a tax sale or foreclosure; and

(5) the conveyance is made on or after September 1, 1997.

This subsection expires on September 1, 2002.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

SB 544 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 544 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 544** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

SB 544 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 275 ON SECOND READING**

Senator Sibley moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 275** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 1.

Present-not voting: Nixon.

Absent-excused: Duncan, Ratliff.

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended for **CSSB 275**.

CSSB 275, Relating to certain acts of public accountants.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 275** in SECTION 1 of the substitute, in added Section 91.003, Civil Practice and Remedies Code, at the end of Subdivision (3) (Senate Committee Report, page 1, line 52), between "negligence" and the period, by inserting:

; or

(4) the accountant failed, at the time of engagement, to provide the client with written notice of the accountant's limited liability under this chapter

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 15, Present-not voting 1.

Yeas: Barrientos, Brown, Ellis, Gallegos, Lucio, Luna, Moncrief, Shapleigh, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Cain, Carona, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Nelson, Ogden, Patterson, Shapiro, Sibley.

Present-not voting: Nixon.

Absent-excused: Duncan, Ratliff.

CSSB 275 was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Nixon asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 275 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 1.

Present-not voting: Nixon.

Absent-excused: Duncan, Ratliff.

CSSB 275 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Nixon asked to be recorded as "Present-not voting" on the final passage of the bill.

(Senator Wentworth in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 273 ON SECOND READING

Senator Zaffirini moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 273** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended for **CSSB 273**:

CSSB 273, Relating to development of a statewide consumer guide for senior citizens.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 273 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 273** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 273 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 382 ON SECOND READING

Senator Madla moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 382** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended for **CSSB 382**:

CSSB 382, Relating to the regulation of health maintenance organizations.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 382 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 382** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 382 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 383 ON SECOND READING**

Senator Cain moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 383** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended for **CSSB 383**:

CSSB 383, Relating to the regulation of preferred provider benefit plans.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 383 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 383** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 383 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 384 ON SECOND READING**

Senator Nelson moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 384** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended for **CSSB 384**:

CSSB 384, Relating to utilization review under health benefit plans and health insurance policies.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend the **CSSB 384** as follows:

(1) On page 3, lines 41-42, strike "in the State of Texas [by a state licensing agency in the United States]" and substitute "by a state licensing agency in the United States".

(2) On page 8, lines 25-26, strike "in this state" and substitute "by a state licensing agency in the United States".

(3) On page 8, line 31, strike "in this state" and substitute "by a state licensing agency in the United States".

The amendment was read and was adopted by a viva voce vote.

CSSB 384 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 384 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 384** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 384 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 387 ON SECOND READING**

Senator Harris moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 387** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended for **CSSB 387**:

CSSB 387, Relating to the use of a rating system and consumer report cards to compare certain health benefit plans.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 387 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 387** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 387 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 585 ON SECOND READING**

Senator Nelson moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 585** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended for **CSSB 585**:

CSSB 585, Relating to requirements for certain health insurance benefits.

(President in Chair)

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 585 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 585** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

CSSB 585 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 886 ON SECOND READING

Senator Truan, on behalf of Senator Ratliff, moved to suspend the regular order of business to take up for consideration at this time on its second reading and passage to engrossment **SB 886**. (Submitted by Governor as an emergency matter)

SB 886, Relating to making emergency appropriations.

The motion prevailed without objection.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 886 ON THIRD READING

Senator Truan, on behalf of Senator Ratliff, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 886** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Ratliff.

SB 886 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 119**

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate his son Ben and his daughter Zoe.

The Senate welcomed Ben and Zoe.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 12:56 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Monday, March 10, 1997.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

HCR 38 to Committee on State Affairs.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 362 by Brown

Relating to the continuation and functions of the Texas Juvenile Probation Commission.

To Committee on Criminal Justice.

SB 363 by Brown

Relating to the continuation and functions of the Texas Youth Commission.

To Committee on Criminal Justice.

SB 364 by Madla

Relating to the continuation and functions of the Texas Commission on Alcohol and Drug Abuse; providing penalties.

To Committee on Health and Human Services.

SB 365 by Armbrister

Relating to the continuation and functions of the Department of Information Resources.

To Committee on State Affairs.

SB 853 by Ellis

Relating to the issuance of bonds under the Higher Education Authority Act.

To Committee on Education.

SB 889 by Haywood

Relating to the recovery of attorney's fees under the Uniform Declaratory Judgment Act.

To Committee on Jurisprudence.

SB 890 by Lucio

Relating to the appointment of a person to act in the place of a county treasurer.

To Committee on Intergovernmental Relations.

SB 892 by Ellis, Wentworth

Relating to the formation of a commission to study issues relating to the consolidation of local governments.

To Committee on Intergovernmental Relations.

SB 893 by Moncrief

Relating to certain convention center hotel facilities.

To Committee on Finance.

SB 894 by Moncrief

Relating to the creation of County Criminal Court No. 11 of Tarrant County.

To Committee on Jurisprudence.

SB 895 by Haywood

Relating to notification of the discharge or furlough of certain patients from mental health facilities.

To Committee on Health and Human Services.

SB 896 by Shapleigh

Relating to the lease of certain state facilities.

To Committee on Finance.

SB 897 by Shapleigh

Relating to facilitating the organization and availability of government information.

To Committee on State Affairs.

SB 899 by Ratliff

Relating to the organization and governance of water supply and sewer service corporations.

To Committee on Intergovernmental Relations.

SB 900 by Gallegos

Relating to eligibility for, and payment of, benefits by certain public retirement systems for municipal employees.

To Committee on Intergovernmental Relations.

SB 902 by Gallegos

Relating to the removal of personal property from the right-of-way or roadway of the state highway system.

To Committee on Jurisprudence.

SB 903 by Gallegos

Relating to legislative leave for certain firefighters and police officers.

To Committee on Intergovernmental Relations.

SB 906 by Ogden

Relating to the admission standards, tuition, fees, and governing boards of institutions of higher education and university systems and to testing and remedial education by general academic teaching institutions.

To Committee on Education.

SB 907 by Brown, Barrientos

Relating to the statute of limitations for the purpose of prosecuting certain offenses under the Tax Code.

To Committee on Criminal Justice.

SB 908 by Zaffirini

Relating to the licensing and inspection of certain hospitals.

To Committee on Health and Human Services.

SB 909 by Zaffirini

Relating to certain electronic benefits transfer accounts that are inactive.

To Committee on Health and Human Services.

SB 910 by Zaffirini, Ellis

Relating to the use of electronic transfer and data matching in connection with certain benefits programs.

To Committee on Health and Human Services.

SB 911 by Cain

Relating to the protection or release of a trustee from liability under certain circumstances.

To Committee on Jurisprudence.

SB 912 by Cain

Relating to trusts for certain minors or incapacitated persons.
To Committee on Jurisprudence.

SB 913 by Sibley, West

Relating to the medically underserved community-state matching incentive program.
To Committee on Health and Human Services.

SB 915 by Barrientos

Relating to the requirements for licensing as a professional counselor.
To Committee on Health and Human Services.

SB 916 by Nixon

Relating to the punishment prescribed for the offense of intoxication manslaughter.
To Committee on Criminal Justice.

SB 917 by Barrientos

Relating to the ownership of a professional association.
To Committee on Economic Development.

SB 919 by Moncrief

Relating to transfer of the Sexual Assault Prevention and Crisis Services program from the Texas Department of Health to the Office of the Attorney General, and related provisions.
To Committee on Criminal Justice.

SB 920 by Brown

Relating to the regulation of certain commercial crab fishing.
To Committee on Natural Resources.

SB 921 by Galloway

Relating to the creation of the East Montgomery County Improvement District; authorizing a tax.
To Committee on Intergovernmental Relations.

SB 922 by Cain

Relating to an exemption from regulation under the Private Investigators and Private Security Agencies Act for certain peace officers.
To Committee on State Affairs.

SB 923 by Galloway

Relating to the participation of a municipality in a class action suit.
To Committee on Jurisprudence.

SB 925 by Ogden

Relating to the imposition, collection, and administration of LPG delivery fees.
To Committee on Natural Resources.

SB 926 by Sibley

Relating to the medical services fee at the University of North Texas.
To Committee on Finance.

SB 927 by Lindsay

Relating to the authority of the Texas Department of Transportation to acquire certain real property.

To Committee on State Affairs.

SB 929 by Gallegos

Relating to Home-Rule Municipality.

To Committee on Intergovernmental Relations.

SB 930 by Gallegos

Relating to the contents of certain retail alcoholic beverage permits and licenses.

To Committee on State Affairs.

SB 931 by Sibley

Relating to allowing a governmental body to hold a meeting by videoconference call under certain circumstances.

To Committee on State Affairs.

SB 934 by Lindsay

Relating to restrictions on a municipality's authority to annex certain property.

To Committee on Intergovernmental Relations.

SB 935 by Madla, Lucio, Luna, Wentworth, Zaffirini, Truan

Relating to the financing of community venues and related infrastructure in certain municipalities or counties; authorizing the imposition of certain local taxes and the issuance of local bonds; providing penalties.

To Committee on State Affairs.

SB 936 by Bivins

Relating to public education.

To Committee on Education.

SB 938 by Ellis, Zaffirini

Relating to expanded hours of operation under the Supplemental Food Program for Women, Infants and Children (WIC).

To Committee on Health and Human Services.

SB 940 by Nelson

Relating to the state's mental health and mental retardation services system; providing penalties.

To Committee on Health and Human Services.

SB 941 by Nelson

Relating to a state tax refund and federal income tax credit available to certain employers of AFDC recipients.

To Committee on Health and Human Services.

SB 942 by Nelson

Relating to creating a governor's committee to study cost control in state government.

To Committee on Finance.

SB 943 by Nelson

Relating to the regulation of medical radiologic technologists and other persons who perform radiologic procedures.

To Committee on Health and Human Services.

SB 944 by Whitmire, Brown, Ellis, Gallegos, Lindsay, Patterson

Relating to the financing of sports venues and related infrastructure; authorizing the imposition of certain local taxes and the issuance of local bonds; providing civil penalties.

To Committee on State Affairs.

SB 948 by Patterson

Relating to the extinguishment of a taxpayer's liability for delinquent ad valorem taxes following a tax sale.

To Committee on Jurisprudence.

SB 950 by Patterson

Relating to assistance for certain airports.

To Committee on State Affairs.

SJR 30 by Patterson

Proposing a constitutional amendment to require a taxing unit that seeks to collect delinquent ad valorem taxes to elect between enforcing the lien securing payment of the taxes and enforcing personal liability for the taxes.

To Committee on Jurisprudence.

CONGRATULATORY RESOLUTIONS

SR 291 - by Armbrister: Congratulating the City of Columbus.

SR 292 - by Truan: Congratulating Juan Lopez.

SR 293 - by Cain: Congratulating Juan D. Nichols of Wood County.

HCR 119 - (Armbrister): Commending David Bernsen of Beaumont.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:04 p.m. adjourned until 11:00 a.m. Monday, March 10, 1997.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 6, 1997

EDUCATION — **SB 465**

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
CSSCR 24, SCR 25, SB 553

INTERGOVERNMENTAL RELATIONS — **SB 270, SB 313, SB 346,**
SB 501, SB 655, SB 727, SB 858

NATURAL RESOURCES — CSSB 632, CSSB 639, CSSB 757

HEALTH AND HUMAN SERVICES — SCR 14 (Amended)

INTERGOVERNMENTAL RELATIONS — CSSB 651

ECONOMIC DEVELOPMENT — CSSB 385